

## **Guidance System Changes; From Correctional Institution For Children To Guidance Institution For Children, From The View Of Law-Conflicted Children**

**Sri Maslihah, M., Hendriati Agustiani, Rismijati E.Koesma, Juke R.Siregar**

Psychology, University of Education Indonesia  
smaslihah@gmail.com

**Abstract.** As an implementation of the Republic of Indonesia Enactment No. 11 year 2012 on Juvenile Justice System (SPPA), a new system for law-conflicted children has been applied. In the earlier time, these children were undergoing a sort of guidance in The Correctional Institution for Children, and now they are getting guidance, supervision and advocacy. Education and training in the Guidance Institution for Children. This is a qualitative descriptive research and there were 5 children interviewed in Guidance Institution for Children in Bandung. They were staying in the institution for minimally 12 months. The research results showed several system changes from the Correctional Institution for Children to Guidance Institution for Children. The changes are: 1) the children can pursue their studies, 2) they have wider living room to play, 3) they have more options for sport /art/handwork, 4) they have better relations with the adult staff, 5) their rooms or ward are more suitable for kids. Generally this changing system positively affect the children that their basic rights are met, such as the right for education, to play, to create in accordance with their interest and talents, to develop and to get protection. These rights are met like other children out there. This guidance system is not only able to deliver appropriate guidance and protection to children, but also to give them opportunities to develop and complete their development tasks according to their ages.

**Keywords:** Law-conflicted children, guidance institution for children

### **Introduction**

The number of children and adolescents who violate laws due to their delinquency and crime is increasing. The data showed by the KPAI tell that until April 2015 there were 6006 cases of children who face the law. And until March 2016, the Minister of Law and Human Rights shows that there are 3559 children are violating law and staying in detention places for children. Among them, there are 894 children are detainee and 2665 children are young inmates in the Correctional Institution for Children.

When a child comes into detention, he has to face several new problems such as difficult situations in the prison for children. Cesaroni & Badali (2005) call these problems as institutional risks. The child also has problems with new friends in the detention place and the officers, not to mention some problem related to facilities in the prison.

There are several factors related to the child adjustment with the prison social situations. The age, race and violence history experienced by the child in the family, his opinions about the guidance activities and the facilities around are influencing the level of worry which manifested in his adjustment ability (Gover, et al, 2000). Some previous research showed that adolescents' adjustment in the prison is related to his relationships with his peers in the prison, with the prison staff and his daily activities such as school activities or playful ones (Solicahtun, 2012; Laan dan Eichelsheim, 2013; Maslihah; 2015).

The child certainly has to face several changes while he is in prison and the changes are being separated from his family and friends and losing his daily routines before being a detainee. While other kids are developing to be independent adults, the children in prison have to suffer difficult life in prison and are not free to have physical contact with the society. They have to practice daily routines in a limited area that they might get bored very much. But they are the children whose rights need to be met, to live their adolescents life optimally and finally become responsible adults.

One of many manifestations of the Republic of Indonesia Enactment No. 11 year 2012 on Juvenile Justice System (SPPA) is the establishment of a new system for law-conflicted children. In this SPPA, it is possible for a new institution to be formed to detain and to socialize children in conflict with law. According to the Article 85 verse (1) of the SPPA, an imprisoned child is placed in LPKA. According to the Article 84 verse (1) of the SPPA, a child who is detained is placed in LPAS. The Article 89 of SPPA

Enactment says that imprisoned children are those with the age over 14 years old. The Article 104 of SPPA Enactment says that every prison for children has to change its system that means they need to become a LPKA to be suitable with the SPPA Enactment, in three years. This system change shows that there is a different approach and different handling between a prison and LPKA. The preparation for the changing system is not only about physical change, but also non physical changes such as the empowerment of the human resources and the changes of the guidance materials in the LPKA and LPAS (Edyanan&Napatupulu, 2014).

In relation to the manifestation of the SPPA, August the 5th 2015 has become an important day for the system of children imprisonment in Indonesia. This was because 19 prisons for children in 18 provinces in Indonesia become guidance institutions for children. This change is the manifest of the government's effort to apply special guidance for children in the society through appropriate education for children who committed law violance. We, as the researchers were interested in this system change that we tried to get the opinions of the detainee about the changes, when the imprisonment system converted into guidance system. Therefore the research is focusing on the young detainees view in LPKA Bandung on the system change.

## Literature

Treatment for prisoners in Indonesia according to the constitution has been known since the manifestation of Gesichten Reglement 1917 number 708, which was arranged by the Dutch Colonialism Government. This treatment is the realization of law of crime in the Article 10 of KUHP. The prisoning system stressed very much on revenge component toward the criminal in order to make him deter. The revenge component in this prison orders are clearly showed by the uncertain goals and direction of the crime sentence (Trihartanti, 2006).

The definition of Correctional Institution in the Article 1 number 3 of the Enactment number 12, 1995, says that an imprisonment is a place to held socialization process for prisoners and young detainees. The institution is a kind of unit for executing the guidance process for prisoners and it is directly responsible to the Local Head Office of Law and Human Right Department. The Constitution number 3 the year 1997 on Juvenile Justice says about several institutions involved in the juvenile justice system. But the Constitution number 11 the year 2012 about The Juvenile Justice System (SPPA) says that these institutions are Institution for Juvenile (LPKA), Institution for Child Temporary Placement (LPAS) and Institution for Juvenile Social Welfare (LPKS). The LPKA is an institution for a child to serve his imprisonment time.

Based on the data from the registration desk at the child detention in Bandung, it shows that most of the detainees rarely get visitors either from parents or family. The previous research also shows the low level of parental support when the juveniles going through the program in the detention (Solichatun, 2012; Maslihah, 2014). The research results also showed that the staff is needed during the programs. Their attendance support the juvenile when he is facing stressfull in the detention therefore the staff can lessen the emotional burden and help solve problems. Parental supports and friends are also needed. The caring staff will give positive impact to the juvenile psychological conditions. His psychological stress due to his separation with parents or family may be lessened by the attendance of the caring staff as his parental figure (Maslihah, 2015).

Caring is not easily defined as it has several meaning: as a noun or a verb, as a feeling and as an attitude or behavior (Berger & Williams, 1992). According to Nurhastin (2012), *caring* is a kind of attention, respect and appreciation for others. Caring is delivering attention and learning one's favorites and showing how one thinks and behaves. Noddings (1988) said that caring is a love-based action and natural inclination. He further explained (1992) that a child emotional needs and education are unseparable. This confirms the opinion proposed by Kohl (1984) that teachers should be able to wipe away children's resistances and build emotional bonds with his pupils. According to Pomeroy (1999), what pupils think about teacher's care is directly related to pupils' learning ability. Stronge (2007) proposed that psychological condition resulted from the teacher-pupils interaction, might affect the pupils' achievement.

Positive environment might support the positive potentials in children. Positive development in a child is a concept that arises from the positive psychology paradigm to build positive life quality (Seligman & Csikszentimihalyi, 2000). The positive psychology paradigm says that when one is facing difficult situation, there is always a possibility about positive judgment about his self and meaning that may make him perceive his life as qualified, prosperous, is useful for others and having clear life goals (Wong, 2009).

### Research Methode

This is a qualitative research with descriptive design. This research gives detail description about individuals or certain groups with their circumstances and phenomenon (Koentjaraningrat, 1997). This research is specifically directed to a case-study design. According to Azwar (2010), a case study is an indepth study on a social unit. The result is a well-organized and complete description about the unit. A case study may convey all life cycles or specific life segments. It also focuses only on specific factors and all elements or an event. The data collection method used in this research is interview to 5 children in the LPKA in Bandung and they are serving his time for minimally 12 months. Content analysis is used to analyze the interview results.

### Result and Discussion

The identity of the 5 interviewees is presented in table 1.

Table 1. Subject Identities

Subject Identities	Subject 1 (KI)	Subject2 (AR)	Subject3 (DS)	Subject 4 (AF)	Subject 5 (DA)
<b>Age (years)</b>	19	19	16	17	18
<b>Case</b>	Pembunuhan	Pembunuhan	Asusila	A susila	Narkoba
<b>Time serving</b>	3 thn 4 bulan	10 thn	2 thn 6 bln	4 thn 6 bln	4 thn 2 bln
<b>Length of guidance in LPKA Bandung</b>	1 thn 6 bulan	2 thn 5 bln	1 thn 3bln	1 thn 7 bln	2 thn 1bln
<b>Origin</b>	Kab. Cirebon	Kab. Bandung	Kota Bandung	Karawang	Kab. Bogor
<b>Education before entering LPKA</b>	SMA Kls XI	SMK Kls XI	SMK kls X	SD	SMP

The table above shows that all the 5 data sources have been going through the guidance program in LPKA Bandung (previously *Lapas Anak Kelas III Sukamiskin Bandung*) as long as 1 year 5 months to 2 years 5 months. Therefore they experienced the changing process, from the correctional institution for children to guidance institution for children since August the 5<sup>th</sup>, 2015. This is a manifestation of the Constitution number 11 year 2012 on Juvenile Justice System (SPPA).

In general, all the five said that the first few months were the most burdening time. They were separate from their parents, school friends and playing friends and they are living in a new environment with some limitations. They are not free to get what they want like when they were living out of juvenile detention. This is a stressful situation. They need about one to three months to stop their sadness, their anger and stress and to be able to get adjusted. Better adjustment helps them to be involved in several activities and making friends in the detention. Subject 3 (DS) said about the feeling of being under stress due to being a detainee. He had to stop his school and had difficulties contacting his parents and friends. For the first two months DS had sleeping problems because he did not enjoy his life and thought about the time he had to serve. DS was lucky though that his roommate is an open person and there is one detainee who is considered old enough to be respected and is able to give advices. DS finally serve his time in the guidance institution without too much thinking about it. He said: *“It is important that I try to follow the guiding programs here. If the staff asks for my help, I will try to do so. I also ask to my friend or to the staff if I have something in mind”* DS also confirmed that the changing system has made him busier with all school activities and other things outside school hours and in the evening. He said that this is good for him as he will not get bored during his time in detention.

This research focuses on gaining all the changes that are happening between the previous correctional institutions to guidance institution for children, according to the youth's view in LPKA in Bandung, therefore an interview was held to five kids as data sources. And the results showed that the changes were:

1) The youth gets opportunity to pursue their school,

Before the changing system, the youth said that getting into a correctional institution is stressful as he had to quit school and this made him think to find a job later. After the system changed, the child has hopes for his future as said by subject 3 (DS),

*“When I am free, I will go to college as I can get diploma although I am here”.*

2) The youth has bigger rooms for activities,

One of the physical changes of the changing system is the falling of walls between block (the building the detainees' rooms) and the open field, hall and school. In the previous time, there was a kind of

fence that the youth's activities are located around the block. After the reformation to be LPKA, the youth had more space for their leisure activities after following routine programs held by the LPKA and other programs held by the other parties outside the LPKA, such as programs from an NGO or universities. Their programs usually end around 3 pm. After school hours, the detainees can do sports, or arts, reading books or simply gathering with friends in the gazebo around the LPKA. Some other youth choose to stay in the block to watch tv or reading books in their rooms as mentioned by Subject 1 (KI): *"sometimes when I want to rest, I simply watch tv in the evening"*. But Subject 2 (AR) said: *"The evening time is the most enjoyable, as we are free...we can play futsal with the staff or play guitar with friends in the block or in the gazebo"*

The staff does not always accompany them when it comes to choose leisure activities. But some of the officers sometimes do sport with the children such as futsal and table tennis. Every block in the LPKA has some toys such as chess, carambol, monopoly and there is a tv set in the hall of every block. There is also a guitar and percussion in one of the blocks, given by the society. And these two instruments usually played by the youth in their leisure time. For reading activities, there is a library which is open during school hours, 8 am to 1 pm. But they may borrow books and bring the book to their block.

#### 3) Options for Handcrafting/sport/art activities.

The most significant change after becoming LPKA is the additional facilities for the youth. It was mentioned by subject (AF): *"there is a big difference between now and the past. We have more facilities for sport, music, and handycraft. We also had teachers to teach crafting and music."* Subject (KI): *"Now we are the same as other kids out there...we can play, we can do sport, and we don't count the days"*.

Right now they are accompanied by a skilled person to choose leisure activities and the person can be the LPKA officers or someone out of LPKA. In the LPKA Bandung, music band, nasyid and marawis are held only with the company of a teacher or a tutor. But for sport, the child can play sport by themselves. The children also confirmed that the sport facilities are better as they can play not only in the futsal field, but also they can play volley ball.

#### 4) Relationship with the officers,

The young detainees also felt the changing in their relation with the staff. In the previous time, they did not really feel the officers' presence as their parental figures. But now they can see their parental figure more often. Almost all of these figures spare their time for the youth and they youth can feel the figures' care and attention. Some of these figures are even treat the youth as their own biological children. The five data sources said that some of the figures even gave them food, besides attention and advices. Subject 1 (KI) and Subject 4 (AF) confirmed that they did get not only food from vendors the out of the LPKA building, but also new clothes. The five research subjects also confirmed about the parental figures' big help for their parole information and process. These figures also delivered advices and guidance for their parole preparation,

In LPKA Bandung, the officers' uniform also changed. In the previous time, they wore uniform with all the badges but nothr uniforms look more casual and are various, The interviewee confirmed that this uniform affected their relationship with the officers, as the uniform more casual, the relationship are better and closer.

#### 5) Comfortable youth's rooms and or block

One of the efforts to create child-friendly detention is to build block or boarding place that met the youths' needs. In LPKA Bandung, the blocks where the youths live look like boarding school or pesantren. One block is for 96 children and this block is divided into 6 rooms. Every room occupies maximally for 16 children and they sleep on a shelving bunk. In the evening when the children sleep, the rooms are not locked as every block is watched by the officers. This will make the children get easy access to the toilets in the night. And this is different from the previous time when the system was still LAPAS system. Between 9 pm to 5 am, the youth were not allowed to get out of their rooms and the door was locked by the officer. When this writing is in process, there was no overcapacity in the LPKA Bandung. Three blocks are still even not used yet and two blocks are ready to occupy.

Based on the data from the five data sources, it is clear that the changes from the LAPAS to LPKA generally get positive responses from the youth. With all the facilities and various activities, they can grow and develop normally without having to lose their rights for education. They can also have the time to show their potentials. Subject 4 confirmed that he can play guitar because he learned it from his friends in the LPKA. And Subject (AR) has two times been asked to write a theater scenario for the youth in LPKA, something he did not ever do before he stayed in LPKA. He said: *"I am happy, and proud, that I can write a theater scenario for a show in LPKA attended by high profile people. I could not write like in the past...I played all the time."*

With the youth's potentials are now realized when they are going through guiding programs in the LPKA, so this confirmed the opinion of Weiss and Lopez (1999) and Bradshaw, et al (2006) about the importance of developing positive aspects of law-conflicted children in LPKA. The positive psychology paradigm says that when one is facing difficult situation, there is always a possibility about positive judgment about himself and his meaning that may make him perceive his life as qualified, prosperous, useful for others and having clear life goals (Wong, 2009).

The presence of children in the LPKA due to the crime they committed is a kind of *life events* which my influence their life in the future. Their separation with families and peers and the LPKA wall that limited their space, certainly become big stressors for them. But the guidance system helped them pursue their school and promote their potentials and this is good and positive for their psychosocial development. This is indirectly influence their welfare. Ochse and Plug (1986) stated that adolescence psychosocial development (a child is one who is below 18 years old according to SPPA and Child Protection Constitution) is related to well-being.

Gasfar et al (2012) stated that social aspects where the adolescence live in is inseparable from the adolescence's subjective well being. Proctor et al (2009) confirmed that adolescence life satisfaction is an indicator of the subjective well-being and this is also inseparable from the social aspects and environment quality. Suited to those theories, the LPKA situation is giving enough positive consequences to the youth and this may promote their subjective well being. Eventhough they are apart from the families, school friends and peers, they are able to see the positive side of themselves. As mentioned by Subject 2 (AR) when he get the opportunity to do something that made him proud and happy as he had never done it before. Another factor that plays important role in creating child-friendly LPKA condition is the officers. Their care and attention to the youth are important. According to the data given, the officers' care to the youth showed a personal relation, with respect and kindness. And in the end, the attention promoted the feeling of being cared either for the youth daily needs or self development.

The officers did not play as a friend to the youth, but also as parents and this made the relationship becomes positive, just like parents and children, which called *caring*. The term *caring* is well known in education and nursing field of study, and this means attention, respect and regard to others. The LPKA officers showed caring to the youth. They pay their attention to the youth, listening to their complaints, and in turn, the youth feel positive and the stress due to the separation with families, will decrease. Benard (2004) stated that *caring relationships* between parents and children may lessen the child's risk behavior. *Caring relationships* is a protective factor not only in the familial interaction, but also in the schooling and societal interaction.

### **Closing**

The goals of trial for children are not for punishing them, but for them to have better condition, for caring and protecting them from committing crime again. The trial is a constructive trial. The system change, from LAPAS to LPKA is generally able to deliver condusive situation for the youth. LPKA facilitates them to meet their rights such as education, playing and creativity according to their talents and interests and their right to get protection, just like other normal kids out there. This guiding system is not only delivering guidance and protection, but also delivering opportunities for the youth to develop and to fulfill their development tasks and get welfare.

### **References**

- Azwar, S. (2010). *Metode Penelitian*. Yogyakarta: Pustaka Pelaja
- Benard, B. (2004). *Resiliency: What we have learned*. San Francisco: WestEd
- Berger, Williams. (1992). *Fundamental of nursing: collaborating for optimal health*. USA: Apleton & Lange.
- Bradshaw, C.P., (2008) Brown J.S., S. F. Hamilton, S.F., (2008). Bridging Positive Youth Development and Mental Health Services for Youth with Serious Behavior Problems in *Child Youth Care Forum*. 37:209–226 .
- Bryant, F. B., & Veroff, J. (2007). *Savoring: A new model of positive experience*. Mahwah, NJ: Lawrence Erlbaum Associates. [ISBN: 0-8058-5119-4 (cloth); 0-8058-4120-8 (paper)]
- Cesaroni, C., & Peterson-Badali, M. (2005). Young offenders in custody: Risk and adjustment. *Criminal Justice and Behavior*, 32(3), 251-277.
- Eddyono, S.W., Napitupulu, E.A.T. (2014). *Prospek Implementasi Sistem Peradilan Pidana Anak di Indonesia*. Jakarta :Institute for Criminal Justice Reform

- Gover, A.R., Mackenzie, D.L., Armstrong, G.S. (2000). Importation and Deprivation Explanations of Juveniles' Adjustment to Correctional Facilities. *International Journal of Offender Therapy and Comparative Criminology*. 44: 450-465
- Harsono HS (1995). *System Baru Pembinaan Narapidana*, Jakarta: Djambatan,
- Helsen M, Vollebergh W, Meeus W (2000) Social support from parents and friends and emotional problems in adolescence. *Journal of Youth and Adolescence*. 29:319–335.
- Koentjaraningrat. (1997). *Metode-Metode Penelitian Masyarakat*. Jakarta: PT. Gramedia Pustaka Utama
- Kohl, H. (1984). *Growing minds*. New York: Harper & Row.
- Laan, A.V., Eichelsheim, V., (2013). Juvenile adaptation to imprisonment: Feelings of safety, autonomy and well-being, and behaviour in prison. *European Journal of Criminology* 4: 424–443. . (10/11/13)
- Maslihah, S. (2014). *Pengaruh Dukungan Orang Tuadan Spiritualitas terhadap Psychological Well-Being Remaja Anak Didik LAPAS Anak*. Penelitian. Universitas Pendidikan Indonesia.
- Maslihah, S. (2015). Analisis Kesejahteraan Subyektif Anak Didik Lembaga Pemasyarakatan Anak. *Proceeding Konferensi Nasional "Optimalisasi Community Well-Being"*. Bandung: Universitas Kristen Maranatha
- Muncie, J (1999) Institutional Tolerance: Youth Justice and the 1998 Crime and Disorder Act. *Critical Social Policy*, 19(2), pp. 147-175.
- Noddings, N. (1984). *Caring: A feminine approach to ethics and moral education*. Berkeley, CA: University of California Press.
- Noddings, N. (1992). *The challenge to care in schools: An alternative approach to education*. New York: Teachers College Press
- Nurhastin (2012). *Realisasi Cinta Sang Guru Dalam Mendidik Siswa*. Melalui: <http://sumsel.kemenag.go.id> . (5/5/2015)
- Ochse, R., & Plug, C. (1986). Cross-cultural investigation of the validity of Erikson's theory of personality development. *Journal of Personality and Social Psychology*. 50. 1240-1250
- Pomeroy, E. (1999). The teacher-student relationship in secondary school: Insights from excluded students. *British Journal of Sociology of Education*, 20, 465-482
- Proctor, C.L., Linley, E.P.A., Maltby, E.J. (2009). Youth Life Satisfaction: A Review of the Literature. *Journal Happiness Studies*. 10:583–630 melalui Springer Science+Business Media B.V. 2008
- Seligman, M. E. P., & Csikszentmihalyi, M. (2000). Positive psychology: An introduction. *American Psychological Association*, 55(1), 5-14.
- Solichatun, Y (2012). *Regulasi Emosi dan Dukungan Sosial sebagai Moderator Hubungan Stres dan Resiliensi pada Anak Didik di Lembaga Pemasyarakatan Anak*. Disertasi. Universitas Gajah Mada (Tidak Diterbitkan)
- Stronge, J.H. (2007). *Qualities of effective teachers*. (2nd ed.). Association for Supervisors and Curriculum Development
- Trihartanti, M (2006). *Peran Lembaga Pemasyarakatan dalam Perspektif Sistem Peradilan Pidana (Studi Kasus Pembinaan Anak Pidana di Lembaga Pemasyarakatan Anak Kutoarjo)*. Skripsi. Fakultas Hukum. Universitas Sebelas Maret Surakarta
- Waluyadi (2009) *Hukum Perlindungan Anak*. Bandung: Mandar Maju, hlm. 57-63.
- Weiss, H., Lopez, M. E. (1999). New strategies in foundation grantmaking for children and youth. *The Harvard Family Research Project Evaluation Exchange*, 5, 9-10.
- Wong, P.T.P. (2009). Positive Existential Psychology in *Encyclopedia Positive Psychology*. Oxford: Blackwell
- Undang-Undang Republik Indonesia Nomor 12 Tahun 1995 Tentang Pemasyarakatan.
- Undang-Undang Republik Indonesia Nomor 3 Tahun 1997 Tentang Peradilan Anak.
- Undang-Undang no 11 tahun 2012 tentang Sistem Peradilan Pidana Anak
- Undang-Undang Republik Indonesia Nomor 35 Tahun 2014 Tentang Perlindungan Anak.